

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

PRIORITY SEND

Case No. CV 12-9095 PSG (AGRx)

Date December 12, 2012

Title *Cleo Flauta, et al. v. Johnson & Johnson, et al.*

Present: The
Honorable

PHILIP S. GUTIERREZ, United States District Judge

Wendy Hernandez

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

**Proceedings: (IN CHAMBERS): ORDER TO SHOW CAUSE RE DISMISSAL
FOR IMPROPER JOINDER**

On October 3, 2012, multiple Plaintiffs filed an action against Defendants Johnson & Johnson, Janssen Pharmaceutical, Inc., and Janssen Research & Development, LLC (collectively, “Defendants”) alleging claims for injuries Plaintiffs say they suffered after ingesting the drug Levaquin, which was sold by Defendants. *See* Compl. On October 23, 2012, Defendants removed the action to this Court. In their notice of removal, Defendants allege that some of the Plaintiffs—specifically, the Plaintiffs from New Jersey and Pennsylvania—were fraudulently joined.

There are over 900 named Plaintiffs in the Complaint. The Complaint does not contain class allegations or a statement that Plaintiffs are properly joined. It does not appear that Plaintiffs have asserted a right to relief “arising out of the same transaction and occurrence,” *see Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1296 (9th Cir. 2000) (citing Fed. R. Civ. P. 20(a)); *see also* Cal. Civ. Proc. Code § 378 (providing that joinder is proper in California state courts when plaintiffs assert a right “arising out of the same transaction, occurrence, or series of occurrences” and “if any question of law or fact common to all these persons will arise in the action”). Accordingly, the Court orders Plaintiffs to show cause in writing no later than **January 7, 2013** why this action should not be dismissed without prejudice on the grounds of improper joinder of parties. Mandatory chambers copies are to be delivered to Chambers. Failure to respond by the above date will result in the Court **dismissing** this action.

The Court further orders Plaintiffs promptly to serve this minute order on any defendant who has been served with the complaint, or who is served before the date specified above.

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